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REMARKS

Claims 1, 4, and 6-11 are pending in the present application. Claims 2, 3, and 5 have been canceled without prejudice to refile. Claims 1, 4, and 6 have been amended to clarify the invention that is claimed, as well as to correct obvious typographical errors. None of the amendments to the claims is intended to narrow the scope of the claims. Additionally, new claims 7-11 (which incorporate elements of canceled claims 2 and 3), have been added to clarify the invention that is claimed. No new matter has been added by the amendments to the claims.

The drawings have been objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because the reference sign "370" mentioned in the description is allegedly missing in Figure 5. Applicant submits that the reference sign "370" does, in fact, appear in Figure 5, as evidenced by the drawings published with the patent application on February 28, 2002, (see Patent Pub. No. 2002/0024421) and therefore, respectfully requests that the objection to the drawings be withdrawn.

The Abstract of the disclosure has been objected to for exceeding the maximum length of words. Applicant has canceled the previous Abstract and added a new Abstract to overcome the objection. Consequently, applicant respectfully requests that the objection to the Abstract be withdrawn.

The disclosure has been objected to because of informalities. Applicant has amended the disclosure to overcome the examiner's objections and, therefore, respectfully requests that the objections to the disclosure be withdrawn. Additionally, applicant has amended certain paragraphs of the specification for grammatical reasons, to correct obvious typographical errors, and for the sake of readability. No new matter has been added by any of the amendments to the specification.

Lastly, claims 1 and 5 have been objected to because of informalities. Applicant has amended claim 1 to overcome the examiner's objections and to clarify the invention that is claimed. No new matter has been added thereby. Additionally, claim 5 has been canceled without prejudice to refile. Consequently, the objections to claims 1 and 5 should be withdrawn.

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Claim Rejections under 35 U.S.C. §§ 102(b), 102(e), and 103(a)

Claims 2 and 3 have been rejected as allegedly anticipated by U.S. Patent No. 5,883,582 ("Bowers et al.") under 35 U.S.C. § 102(b), and claims 2 and 3 have been further rejected as allegedly anticipated by U.S. Patent No. 6,097,292 ("Kelly et al.") under 35 U.S.C. § 102(e). As applicant has canceled claims 2 and 3 without prejudice to refile, the rejections of claims 2 and 3 are moot.

Claim 1 has been rejected as allegedly unpatentable over U.S. Patent No. 5,986,570 ("Black et al.") under 35 U.S.C. § 103(a), and claims 4-6 have been rejected as allegedly unpatentable over U.S. Patent No. 6,535,109 ("Mahdavi") in view of Kelly et al. and U.S. Patent No. 6,661,336 ("Atkins et al."). As applicant has canceled claim 5 without prejudice to refile, the rejection of claim 5 is moot. Applicant respectfully traverses the rejections of the remaining claims 1, 4, and 6. Reconsideration and withdrawal of the rejections are respectfully requested.

Claim 1, for example, recites, in part, a radio frequency identification (RFID) reader for preventing data collision in an RFID tag system that includes a transferring unit. The transferring unit includes a carrier signal generator for generating a carrier signal, a carrier signal amplifier for amplifying the carrier signal from the carrier signal generator, and a gap signal generator for establishing a non-transfer period of the RFID reader dependent on an RFID tag and a tolerance level of an electric device associated with the RFID tag.

Black et al. discloses a RFID interrogator that includes a microcontroller 18 and states at col. 3, ll. 39-47 that the microcontroller 18 generates a frequency that corresponds to the carrier frequency of the system. The examiner contends that the microcontroller 18 of Black et al. allegedly corresponds to the transferring unit recited by claim 1. The examiner concedes, however, that Black et al. does not disclose a carrier signal amplifier for amplifying the carrier signal generated by the microprocessor 18, but takes official notice that RFID interrogators having a carrier signal amplifier to increase the carrier signal's strength are well known. See pages 5 and 6, paragraph 10 of the Office action.

Applicant respectfully traverses the examiner's contention that an RFID reader (interrogator) having a carrier signal amplifier for amplifying the carrier signal from the carrier signal generator, as recited by claim 1, is an officially noticed fact. No evidence or explanation has been provided, outside of applicant's own disclosure, that an RFID reader

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(interrogator) having a carrier signal amplifier for amplifying the carrier signal from the carrier signal generator was known at the time of invention. Accordingly, applicant respectfully requests that the examiner provide evidence or further explanation that the allegedly noticed fact (i.e., that an RFID reader or interrogator having a carrier signal amplifier for amplifying the carrier signal from the carrier signal generator) was well known at the time of applicant's invention if the examiner wishes to maintain the rejection of claim 1 based upon this allegedly noticed fact.

Moreover, applicant respectfully submits that even if an RFID reader or interrogator having a carrier signal amplifier for amplifying the carrier signal from the carrier signal generator is an allegedly noticed fact (which applicant submits it is not), there is no disclosure, teaching, or suggestion found in any of the references cited by the examiner of an incentive for or a desirability of using this allegedly noticed fact to modify the disclosure of Black et al. to arrive at the claimed subject matter recited by claim 1. The mere existence of the allegedly noticed fact cannot form the basis for the suggestion or motivation to combine. It is clear that the cited references must make a suggestion of or provide an incentive for the claimed combination of elements to establish a prima facie case of obviousness. See In re Sun, 31 U.S.P.Q.2d 1451 (Fed. Cir. 1993); In re Oetiker, 24 U.S.P.Q.2d 1443, 1446, (Fed. Cir. 1992); Ex parte Clapp, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985).

Applicant further submits that nothing in any of the other references cited by the examiner (i.e., Bowers et al., Kelly et al., Mahdavi, or Atkins et al.) provides the missing disclosure, teaching, or suggestion of Black et al. Consequently, even if taken in combination, none of the cited references discloses, teaches, or suggests each and every element of the claimed subject matter recited by claim 1.

For the reasons indicated above, applicant respectfully submits that a prima facie case of obviousness of claim 1 has not been established, and claim 1 is therefore allowable. Given that newly added claims 7-9 depend from claim 1, it follows that claims 7-9 are also allowable for at least these same reasons.

Similarly, claim 4 recites, in part, transmitting a carrier signal of a predetermined frequency from an RFID reader and amplifying the transmitted carrier signal from the RFID reader. As discussed above, none of the cited references, taken individually or in combination, discloses, teaches, or suggests each and every element of the claimed subject

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matter recited by claim 4, and therefore claims 4 is neither anticipated nor rendered obvious therefrom. Given that claim 6, and newly added claims 10 and 11 depend from claim 4, it follows that claims 6, 10, and 11 are also allowable for at least these same reasons.

In view of the foregoing, applicant submits the application as a whole is in condition for allowance, and such action is requested at the examiner's earliest convenience. The examiner is invited to contact applicant's undersigned attorney with any questions or comments regarding this amendment, or the application as a whole.

Respectfully submitted for,  
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May 4, 2004

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